

JACK RUSSO (State Bar No. 96068)
TIM C. HALE (State Bar No. 114905)
JOHN KELLEY (State Bar No. 100714)
RUSSO & HALE LLP
401 Florence Street
Palo Alto, CA 94301
Telephone: (650) 327-9800
Facsimile: (650) 327-3737
Email: jrusso@computerlaw.com
thale@computerlaw.com
jkelley@computerlaw.com

Attorneys for defendants and counterclaimants
WESLEY MAYDER, ROMI MAYDER,
SILICON TEST SOLUTIONS LLC, and
SILICON TEST SYSTEMS INC

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC., a Delaware Corporation,

Plaintiff,

v.

ROMI OMAR MAYDER, an individual;
WESLEY MAYDER, an individual; SILICON
TEST SYSTEMS, INC., a California
Corporation; and SILICON TEST
SOLUTIONS, LLC, a California Limited
Liability Corporation, inclusive,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. 5:07-cv-04330-RMW (HRL)

**DECLARATION OF ROMI MAYDER IN
SUPPORT OF MOTION FOR SUMMARY
ADJUDICATION ON VERIGY'S THIRD
THROUGH FIFTH CLAIMS FOR RELIEF**

Date: September 5, 2008

Time: 9:00 a.m.

Ctrm: 6

Before the Hon. Ronald Whyte

Complaint Filed: August 22, 2007

Trial Date: December 8, 2008 (jury trial)

(Defendants have elected to reserve their jury
trial rights under F.R.C.P., Rule 38)

1 I, Romi Mayder, declare under penalty of perjury as follows:

2 1. The matters stated herein are true and correct of my personal knowledge, unless
3 stated on information and belief, which matters I believe to be true. I could and would
4 competently testify to the matters set forth herein if called as a witness.

5 2. My father and uncle have worked in the ATE (automatic test equipment) industry
6 since the 1970s. I started working with them in the ATE field when I was 16 years old—more
7 than 20 years ago. Accordingly, I have worked in the ATE (automatic test equipment) industry for
8 over 20 years. I have held positions such as semiconductor process engineer, manufacturing
9 engineer, applications engineer, marketing engineer, project manager, design engineer, expert
10 design engineer, and chief executive officer throughout my career in the ATE industry.

11 3. I graduated from the University of California at Berkeley in 1992 with a Bachelor
12 of Science degree in electrical engineering. My father, Gary Mayder, graduated from the
13 University of California at Berkeley in 1965 with a master's of science degree in electrical
14 engineering. My grandfather, L. Wesley Mayder, graduated from the University at Berkeley in
15 1939 with a Bachelor of Science degree in engineering. My mom's brother (my uncle), Isam
16 Qubain, graduated from the University of California at Berkeley with a Bachelor of Science degree
17 in electrical engineering. My Dad's brother (another uncle), Noel Mayder, graduated from the
18 University of California at Berkeley in 1967 with a Bachelor of Science degree in engineering. My
19 mom's brother, (yet another uncle) Edward Qubain, graduated from the University of California at
20 Los Angeles with a Bachelor of Science degree in electrical engineering.

21 4. In 1974, two of my uncles, Isam Qubain, and Edward Qubain founded Best IC
22 Laboratories in Sunnyvale, California. In 1979, my father, Gary Mayder joined them as a
23 principal owner and V.P. of Engineering. Best IC Laboratories had offices in Austin, Texas,
24 Singapore, and Penang, Malaysia. The business of Best IC Laboratories focused on testing
25 memory devices. Best IC Laboratories was sold to DTS (Digital Test Systems) in 2000. DTS'
26 business was focused mainly on testing logic devices. The purchase of Best IC Laboratories
27 allowed the combined companies to test both memory and logic devices.
28

1 5. I worked at Best IC Laboratories while I was in high school and also during
2 summers when I was in college. Accordingly, before ever starting work for Verigy US, Inc.
3 (“Verigy”) (and even before starting work for Agilent as well as for HP), I had over ten years of
4 experience in the ATE field and I had been part of my conversations with my dad, with my uncles
5 and even with my grandfather about the challenge of increasing the throughput of automated test
6 equipment by increasing testing parallelism. I have been thinking about that problem since I was
7 in my teens. I am now 37 years old.

8 6. In the complaint filed against me and the other defendants by Verigy in this action,
9 Verigy has included, as I understand them, three claims which appear to depend upon some form
10 of improper access to Verigy (or Agilent, Verigy’s predecessor) computers or computer
11 information, namely the Third through Fifth Claims for Relief.

12 7. I left Verigy’s employment on September 21, 2006. Prior to that time I had been
13 employed full time by Verigy, Agilent, and Agilent’s predecessor, Hewlett Packard, since 1998.
14 During my work at all three companies, I was granted access to, and in fact was required to access,
15 the computer systems and computer information of the companies’ in order to carry out my job
16 responsibilities. I am not aware of any computer systems that I was unauthorized to access while
17 employed at these companies, and even if there were such systems, at no time while working for
18 these companies did I in fact access any such systems, or any information that I was not authorized
19 to access in order to carry out my job responsibilities.

20 8. Verigy’s complaint against me in this matter confirms what I have stated above. In
21 paragraph 17 of the complaint, Verigy admits that I had authorized access to a wide variety of
22 information while working there. All of the information that Verigy has claimed I improperly took
23 was information that it has alleged I had authorized access to while employed there. The
24 complaint contains no allegation, and could not rightfully contain any such allegation, that I
25 accessed any Verigy, Agilent or Hewlett Packard computers after September 21, 2006, because
26 that simply never happened. Indeed, after September 21, 2006, there were many emails containing
27 attachments that many Verigy employees sent to me from their computers to my home computer
28 and to my work computers at STS LLC and STS Inc. in an authorized fashion as they asked me to

1 provide them with additional post-employment help and I provided them (without any concern or
2 complaint by Verigy) additional help including drafting patent applications that were assigned to
3 Verigy (not for me) and which I helped Verigy get filed. After my employment ended on
4 September 21, 2006, Verigy never asked me to sign an NDA (non-disclosure agreement) and I
5 never did sign an NDA with Verigy. Many Verigy employees contacted me by phone at STS's
6 publicly listed phone number and also at my home phone to ask me many technical questions. It is
7 my belief and understanding that I answered these questions to the satisfaction of Verigy.

8 9. On information and belief, my understanding is that I have not taken any non-public
9 information that was or that could be Verigy's or Agilent's trade secret information; if Verigy
10 proves otherwise, it will only have proven that I did so solely based on access to such information
11 while employed by these companies and never based upon any access that was unauthorized.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct. Executed on July 28, 2008 in San Jose, California.

14 _____
15 /s/ Romi Mayder
16 Romi Mayder
17
18
19
20
21
22
23
24
25
26
27
28